

REMARKS

The rejections of Claims 18, 19, 21, 27 and 29 as being anticipated by Rothe under 35 U.S.C. §102(b), of Claims 35-40 as being anticipated by Evans et al. also under 35 U.S.C. §102(b), of Claims 22, 23, 30 and 31 as being unpatentable over Rothe in view of Halimi et al. under 35 U.S.C. §103(a), and of Claims 20, 24, 25, 26, 28, 32, 33 and 34 as being unpatentable over Rothe in view of Evans et al. also under 35 U.S.C. §103(a) are again respectfully traversed.

Reconsideration is requested based upon Applicants' previous comments as well as the following remarks. Inasmuch as Rothe and Evans et al. are central to all rejections, Applicants will focus their attention on independent Claims 18, 27 and 35. In particular, Rothe has been applied against Claims 18 and 27, and Evans et al. has been applied against Claim 35.

As a starting proposition, Applicants acknowledge that the Office is entitled to the broadest reasonable interpretation of claim terms. But that interpretation has to be reasonable and cannot clearly contradict terminology that is well known in a particular art. Nor can the Office ignore terms used in claims. In this case, however, Applicants respectfully submit that the Office has not made a reasonable interpretation of the claim terminology and has ignored an important claim limitation.

Engine Claims 18 and 27 both recite an exhaust gas recirculation device and an exhaust gas turbocharger. The Office Action asserts that the Rothe patent contains the exhaust gas recirculation device and the exhaust gas

turbocharger. Applicants do not disagree that the Rothe patent has a supercharger. But it does not also have an exhaust gas recirculation device. The Office Action does not indicate where in the Rothe patent there is disclosed such a device in addition to the supercharger.

The final rejection then seeks to develop its own unique definition of what exhaust gas recirculation is. At this point in time, just about anyone associated with automotive technology knows that exhaust gas recirculation is a technique that has been around for about thirty years and involves routing a portion of exhaust gas back to the intake manifold, not just to the tailpipe. The Office is invited to review its own extensive library of issued patents that evidences this fact, e.g. U.S. Patent Nos. 3,776,207 and 3,982,505. Indeed, the concept of exhaust gas recirculation is so well known and understood that the Office correctly issues patents which use the acronym EGR in claims, e.g., U.S. Patent No. 7,284,544. An Internet search (e.g., <http://www.obd-codes.com/faq/egr-explained.php>) will further attest to the fact that the Examiner's definition is both unnecessary and unreasonable. Lastly, Applicants request that the Office point to any prior art reference, whether it be patent literature or something else, that discusses exhaust gas recirculation as a feature of turbochargers aside from their use with an exhaust gas recirculation device. Certainly, nothing in the Rothe patent speaks to such recirculation, something not surprising as the use of exhaust gas driven superchargers long preceded exhaust gas recirculation that was developed for emission control. But even with the questionable

interpretation of the Rothe supercharger being “concerned” with EGR, the Office doesn’t explain where Rothe also uses an EGR device.

Method Claim 35 also involves a way of operating an engine having both an EGR device and a turbocharger. Applicants propose to include the “selectively independently” feedable feature that is already found in Claim 18, and thus raise no new issue that requires further search or consideration. And that feature is not shown or suggested in Evans et al. which, unlike Rothe, does involve both EGR and a turbocharger engine system, thus not requiring an interpretation which involves saying that a turbocharger is inherently an exhaust gas recirculation device. The independently selectable feature in the present invention allows, among other things, EGR to be carried out in engine operating ranges in which such recirculation was not previously attainable. Given the use of EGR over a broader range of engine operating conditions, even better NO_x emission reduction is now achievable. Nothing like this is suggested by Evans et al. alone or in hypothetical combination with Rothe or any other piece of prior art. Even without the proposed change, however, Applicants would point out that nothing in the Evans et al. patent, most particularly its Abstract, teaches anything about selectively operating the cylinder groups with identical or different power output. Nor does it teach that only one of the cylinder groups is operated with a variable power output. The only thing that the Abstract states is the existence of a first exhaust manifold receiving gases from one set of

pistons and a second exhaust manifold receiving gases only from another piston set. The Office Action does not take into account all of the claim language.

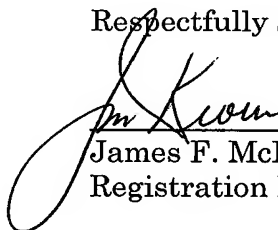
Accordingly, reconsideration and an early indication of allowability are now earnestly solicited. Of course, Applicants' undersigned representative remains ready and willing to discuss any remaining issues with the Examiner if such is deemed appropriate by the Examiner to expedite prosecution.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 095309.57193US).

Respectfully submitted,

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